

Minutes of the Regular Called City Council meeting of January 11, 2022.

Absent: 2 - Mayor Tim Handren, and Council Member Quinten Scott

Recognized/Registered Guests: Mark Mattick, Nikki Mattick, Kendra Mattick, Jeff Thompson, Wendy Thompson, Lance Kyle, Robert Imler, Jim Phelps, and Andrea Resendez.

Mayor Pro Tem Wolosin called the City Council meeting to order at 6:00 p.m.

Todd Weir of the 1910 Church provided the Invocation.

Mayor Pro Tem Wolosin led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

No conflicts were declared.

3. PUBLIC COMMENTS:

Robert Imler, 215 West Bandera Road requested that City Council consider a temporary moratorium on development, not to exceed nine months. He asked that the City Manager report on the sewer plant on Esser Road. He will continue to push for a moratorium.

Andrea Resendez stated that she lives in the Champion Heights subdivision. She asked her daughter how many students are in her class? The daughter answered on average 30 students in each class. Ms. Resendez stated a developer is wanting to build apartments in front of Champion Heights. The public is relying on city council to put a cap on density. She stated that the number one objective of the Master Plan is to manage growth. The development could cause flooding with no where for water to flow. She feels the Master Plan is not being followed and the Thoroughfare Plan needs to be updated. She also expressed concern with the new on-ramp being too short from Hwy 46.

Lance Kyle, 226 Cascade Caverns Road stated that he spoke at the Planning and Zoning (P & Z) Commission meeting. The Chair stated that the city can't control development in the county. The County steers developers to a one acre lot. Why are we giving developers incentives? Commissioners went to Austin to get statute changed.

4. CONSENT AGENDA:

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Council Member Scott

4A. CONSIDER THE APPROVAL OF THE MINUTES OF THE REGULAR CALLED CITY COUNCIL MEETING OF DECEMBER 14, 2021.

- 4B. CONSIDER ON SECOND READING ORDINANCE NO. 2021-40; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT FOR A MEDICAL OFFICE LOCATED AT 1002 EAST BLANCO ROAD, HIGHLAND HOMES BLK PT 1, (KAD NO. 298100) IN A O1, NEIGHBORHOOD OFFICE DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.
- 4C. CONSIDER RESOLUTION NO. 2022-01; ESTABLISHING PROCEDURES FOR A GENERAL ELECTION FOR MAY 7, 2022. (Considerar la resolución número 2022-R01; una resolución que establece los procedimientos para la elección general del 7 de mayo, 2022)
- 4D. ANNUAL REVIEW OF THE CITY OF BOERNE'S INVESTMENT POLICY AND BROKER-DEALER LIST.
- 4E. CONSIDER RESOLUTION NO. 2022-R02; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE THE SECOND AMENDMENT TO THE INFRASTRUCTURE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BOERNE AND TENOTEX DEVELOPMENT CO. INC. (Regent Park)

5. CITY MANAGER'S REPORT:

Mayor Pro Tem Wolosin called on City Manager Thatcher.

- 5A. RECOGNITION OF SANDY MATTICK FOR HER YEARS OF SERVICE AS FINANCE DIRECTOR WITH THE CITY OF BOERNE.

City Manager Thatcher recognized Ms. Sandy Mattick, Finance Director for her contribution to the City of Boerne and the residents. She was presented with a Key to the City. Ms. Mattick expressed appreciation to her staff and to City Council Members. The Council Members expressed their appreciation and provided her with well wishes. City Manager Thatcher introduced Sam Singer, the City's new Assistant Finance Director.

5B. I-10 TXDOT CONSTRUCTION UPDATE.

City Manager Thatcher asked Mr. Jeff Carroll, Development Services Director to give an update on TxDot construction. Mr. Carroll provided an estimated timeline for the various projects to be completed. He mentioned that the Police Department and Fire Department are aware of the upcoming closures.

6. PRESENTATIONS, PUBLIC HEARINGS, AND ORDINANCES:

6A. CONSIDER THE PROPOSED SPECIAL USE PERMIT FOR A SHORT-TERM RENTAL IN AN R3-A, ATTACHED RESIDENTIAL DISTRICT, LOCATED AT 428 HERFF STREET (IRONS & GRAHAMS ADDITION LOT 187C, .054 ACRES, KAD 46417). (Todd & Elizabeth Hallberg).

I. RECEIVE REPORT FROM THE PLANNING AND ZONING COMMISSION.

Mayor Pro Tem Wolosin called on Assistant City Manager Kristy Stark. Ms. Stark stated that the Planning and Zoning Commission voted 4-0 to approve the request for a Special use Permit.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOOLARD, TO RECEIVE THE REPORT FROM THE PLANNING AND ZONING COMMISSION. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Council Member Scott

II. PUBLIC HEARING (One of one hearing)

Assistant City Manager Stark stated that a BOND meeting was held and only one person attended who spoke positively about the use. This request is from an owner of the townhome who lives in the townhome 30 weeks out of the year. Only six people can stay in the rental at a time and no more than two cars are permitted during their stay. Discussion ensued regarding creating a

committee to set a criteria for short term rentals, concerns with parking, many older neighborhoods don't have HOA's to protect the homeowners, and loss of neighborhood character with too many short term rentals. Ms. Stark stated there are about 59 short term rentals in the city. All short term rentals moving forward will need a Special Use Permit.

Mayor Pro Tem opened the Public Hearing at 6:49 p.m.

No comments were received.

Mayor Pro Tem closed the Public Hearing at 6:50 p.m.

III. CONSIDER ON FIRST READING ORDINANCE NO. 2022-01; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT FOR A SHORT-TERM RENTAL TO 0.054 ACRES LOCATED AT 428 HERFF STREET (IRONS & GRAHAMS ADDITION LOT 187C, KAD NO. 46417) IN AN R3-A, ATTACHED RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE.

A MOTION WAS MADE BY COUNCIL MEMBER BODDIE, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2022-01; AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BOERNE UNIFIED DEVELOPMENT CODE, BY AMENDING CHAPTER 3. ZONING, SECTION 3.2, ZONING MAP, GRANTING A SPECIAL USE PERMIT FOR A SHORT-TERM RENTAL TO 0.054 ACRES LOCATED AT 428 HERFF STREET (IRONS & GRAHAMS ADDITION LOT 187C, KAD NO. 46417) IN AN R3-A, ATTACHED RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Council Member Scott

6B. CONSIDER A ONE-TIME READING OF ORDINANCE NO. 2022-02; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (As described below)

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY MAYOR PRO TEM WOLOSIN, TO APPROVE A ONE-TIME READING OF ORDINANCE NO. 2022-02; AS PERMITTED BY THE CITY OF BOERNE'S HOME RULE CHARTER SECTION 3.11.A. (AS DESCRIBED BELOW). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Council Member Scott

6C. CONSIDER ORDINANCE NO. 2022-02; AN ORDINANCE AMENDING ORDINANCE NO. 2020-21, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2020-2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021"; AND AUTHORIZING THE CITY MANAGER TO TRANSFER PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR. (Amend budget for Fiscal Year 20-21)

Mayor Pro Tem Wolosin called on Ms. Sandy Mattick, Finance Director. Ms. Mattick stated that the Finance Department is wrapping up the FY2021 budget amendments. She reviewed the proposed budget amendments.

A MOTION WAS MADE BY COUNCIL MEMBER WOOLARD, SECONDED BY COUNCIL MEMBER BODDIE, TO APPROVE ORDINANCE NO. 2022-02; AN ORDINANCE AMENDING ORDINANCE NO. 2020-21, CAPTIONED "AN ORDINANCE ADOPTING THE ANNUAL CAPITAL AND OPERATING BUDGETS FOR THE CITY OF BOERNE, TEXAS FOR THE FISCAL YEAR 2020-2021, BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021"; AND AUTHORIZING THE CITY MANAGER TO TRANSFER PART OR ALL OF ANY ENCUMBERED APPROPRIATION BALANCE AMONG PROGRAMS, WITHIN A FUND DEPARTMENT, OFFICE, OR AGENCY AT ANY TIME DURING THE FISCAL YEAR. (AMEND BUDGET FOR FISCAL YEAR 20-21). THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Council Member Scott

7. OTHER ITEMS:

7A. RECEIVE AND APPROVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2021.

Ms. Mattick continued with the review of the 4th quarter financial and investment reports. She stated that the City's financials are very strong and investments continue to earn.

A MOTION WAS MADE BY COUNCIL MEMBER MACALUSO, SECONDED BY COUNCIL MEMBER WOOLARD, TO RECEIVE AND APPROVE THE FOURTH QUARTER FINANCIAL AND INVESTMENT REPORTS FOR FISCAL YEAR 2021. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Mayor Pro Tem Wolosin, Council Member Woolard, Council Member Boddie, and Council Member Macaluso

Absent: 1 - Council Member Scott

8. COMMENTS FROM COUNCIL – No discussion or action may take place.

Council Member Macaluso stated that he reviewed the recent Planning and Zoning Commission meeting and is aware of concerns about development. The UDC is designed to address platting issues. There are State officials that do not want to see local government have more control. He welcomed the public to

write to their legislatures. He also wanted the public to know that there is a lot of research done prior to any meeting and the city council is taking concerns seriously.

Mayor Pro Tem Wolosin encouraged people to get vaccinated and receive the booster. The effects of not being vaccinated could result in hospitalization. He reminded everyone to wear a mask if not at home, that everyone should step up to be personally responsible.

9. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:

City Council did not convene into Executive Session.

9A. SECTION 551.071 - CONSULTATION WITH CITY'S ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION REGARDING DEVELOPMENT AGREEMENT WITH BOERNEBAK.

No discussion took place.

10. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

11. ADJOURNMENT

Mayor Pro Tem Wolosin adjourned the City Council at 7:03 p.m.

Approved:

Mayor

Attest:

City Secretary